Wisconsin Department of Agriculture, Trade and Consumer Protection

Final Business Impact Analysis

Rule Subject:	**Wisconsin certified honey and the sale of products represented as honey.**
Adm. Code Reference:	**ATCP 157**
Rules Clearinghouse #:	**11-038**
DATCP Docket #:	**10-R-03**

Background

Wisconsin honey production ranked eighth in the United States in 2010. The number of colonies managed by producers who have five colonies or more increased by 8% compared to 2009, and total production increased by 15%. The value of Wisconsin's 2010 honey crop was estimated to be $7.27 million. There are approximately 900 honey producers in the state.

This rule will prohibit the fraudulent sale of adulterated or non-honey products as "honey." The prohibition will benefit honest producers and sellers of honey. This rule makes no exemption for small businesses, because small businesses as well as large businesses must refrain from fraudulent practices.

Some products sold as "honey" have been shown to contain a variety of non-honey ingredients such as rice syrup, high fructose corn syrup and other sweeteners. Dangerous contaminants such as the antibiotic chloramphenicol have also been detected in samples of honey imported from foreign countries. Approximately 2/3 of the honey consumed in the United States is imported from other countries.

This rule also creates a voluntary program under which qualifying Wisconsin honey producers may sell their honey as "Wisconsin certified honey."

Rule Overview

This rule does all of the following:

Renumbers the current ch. ATCP 157 (Honey and Maple Syrup) as ch. ATCP 87 to place it with other food regulations.

~~Reorganizes the definitions in ch. ATCP 87.01 to be in alphabetical orde~~r.

Establishes a honey standard that conforms to the standard contained in the Codex Alimentarius of the Food and Agriculture Organization of the United Nations and the World Health Organization, number 12-1981, as revised in 2001. Products directly represented or implied to be honey are required to meet the honey standard.

Provides that a person may voluntarily label a product "Wisconsin certified honey" or imply that a product is Wisconsin certified honey only if all of the following apply:

a. The product has been determined to meet the honey standard under this rule.
b. The product was collected from honeybee hives in this state.
c. The honey producer holds a biennial approval from the department.

Provides that an application for a biennial approval to label or imply that a product is "Wisconsin certified honey" must include all of the following:

a. A statement by the applicant certifying that the honey complies with the honey standard established under this rule and will be collected only from honey bee hives in this state.
b. A summary of the testing results and methods used to document compliance with the honey standard. The summary must include test results for moisture, fructose and glucose content, sucrose content and internal carbon isotope ratio analysis. Testing must be performed in a commercial laboratory using methods established by AOAC International or other methods approved by the department.
c. A ~~fee~~payment of $50 each biennial period for review and approval by the department of the summaries of testing results and methods used to document compliance with the honey standard.

Business Impact

DATCP estimates that 50 of the 900 honey producers in Wisconsin will apply for biennial approval to sell their honey as "Wisconsin certified honey." Most, if not all, of those producers are "small businesses." Participating producers will pay for lab testing at a commercial laboratory, costing approximately $250, once every two years. They also must pay a $50 fee to DATCP once every two years for review and approval of the summaries of testing results and methods used. The per year cost would thus be about $150 for participation in this voluntary program. The cost for the testing and DATCP review will not produce a significant impact on small business.

Conclusion

This rule will not have a significant impact on small business.

Dated this _____ day of _____, 2011.

STATE OF WISCONSIN
DEPARTMENT OF AGRICULTURE,
TRADE AND CONSUMER PROTECTION

By _____
Steve Ingham, Administrator,
Division of Food Safety